



Appeal Decision

Site visit made on 20 November 2024

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Appeal Ref: APP/B4215/D/24/3352083

14 Abberton Road, Manchester, M20 1HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Kristian Sparrow against the decision of Manchester City Council.
 - The application Ref is 140018/FH/2024.
 - The development proposed is a single storey extension to rear, hip to gable roof extension and installation of rear roof dormer to provide additional living accommodation.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey extension to rear, hip to gable roof extension and installation of rear roof dormer to provide additional living accommodation at 14 Abberton Road, Manchester, M20 1HU in accordance with the terms of the application Ref 140018/FH/2024, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers – 0001_B1_01_1200_PPR; 0001_B1_02_2200_PPR; and 0001_B1_04_2000_PPR.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby approved shall match those used in the existing building.

Application for costs

2. An application for costs was made by Mr Kristian Sparrow against Manchester City Council. This is the subject of a separate decision.

Procedural Matter

3. On 12 December 2024, the Government published a revised National Planning Policy Framework (NPPF). I have noted that the Council's decision notice refers to sections 5 and 12 of the NPPF 2023. The revised version, includes some changes to the contents of both sections but, in my opinion, these changes do not materially affect the main issue, or the arguments from both parties. Consequently, there has been no need to seek further comments.

Main Issue

4. The main issue is the effect of the proposal on the character and amenity of the area.

Reasons

5. The appeal property is a two storey, semi-detached dwelling, which is situated in a residential area. Both parties agree that the property is in use as a 'Small House in Multiple Occupation' (Use Class C4) for up to 6 residents, although at the time of my site visit renovations were being carried out and it appeared to be unoccupied.
6. Planning permission (Ref 136426/FH/2023) has recently been granted by the Council for a single-storey rear extension (which is included in the description of this current appeal proposal) and for a dormer extension at the rear (Ref 137519/LP/2023).
7. The appeal proposal is for the single-storey rear extension, hip to gable roof extension and a rear dormer. The Council has no objection to the design and appearance of the proposed extensions and I have no reason to disagree with that view.
8. The appellant states that the proposal would provide greater space and enhanced accommodation for the occupants of the property. He states that there is no intention to increase occupancy levels, which, in any event, would require a further planning application for a change of use.
9. The Council argues that the proposal would be likely to result in an over-intensive use of the property, which would be detrimental to the character and amenity of the area. It expresses concern on matters such as additional noise, demand for vehicle parking and refuse collection.
10. In its decision notice, the Council refers to a number of Development Plan Policies. Some of these relate to the spatial distribution of housing development in the city and to general Development Management issues, including design, refuse and amenity. However, Policy H11 of the Manchester Core Strategy deals exclusively with Houses in Multiple Occupation (HMOs) and I consider this to be the most relevant to this appeal.
11. Amongst other things, Policy H11 states that in areas of high concentration, extensions to HMOs will not be permitted, where it could reasonably be expected to lead to an increase in the level of occupation. I note that the illustration that accompanies the explanatory text to Policy H11, shows HMO levels in the Old Moat ward.
12. The wording of the policy allows for a subjective assessment. However, it is not clear to me, based on the evidence submitted, that there is an unacceptably high concentration of HMOs in the vicinity of the appeal site. Whilst officers may have that local knowledge, no detailed information or statistics are provided in either the officer's report or the decision notice to guide a decision maker or substantiate the Council's concerns.
13. Furthermore, and more importantly, the fact that any occupancy above 6 persons would require planning permission means that the Council would have adequate controls over any proposal to increase numbers. This is key to

my decision and it has not been adequately addressed by the Council. As the proposal does not indicate an increase in occupiers, I conclude that any concerns over character and amenity are unfounded and could be dealt with if a change of use application was to be submitted in the future. Consequently, I conclude that the proposal would not conflict with the provisions of the Development Plan.

Conditions

14. The Council has suggested conditions in the event of the appeal being allowed. In addition to the standard conditions relating to the time period for commencement and the listing of the approved plans, a condition requiring the use of matching external materials is imposed. This is necessary to ensure a satisfactory external appearance.
15. The Council has also recommended two further conditions. It seeks to prevent the installation of doors, windows in the approved extensions without the prior approval of the Council. However, I am not persuaded that the suggested condition is necessary, as it is unlikely that there would be a loss of privacy from the single storey extension, nor is it likely that additional windows would be installed in the dormer given the extent of glazing currently proposed within the structure.
16. In addition, a condition preventing an increase in the number of occupants of the building beyond six is suggested by the Council. As an increase beyond six would require planning permission, such a condition is unnecessary.

Conclusion

17. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR